UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1236
31 December 1998

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1132 (1997) CONCERNING SIERRA LEONE ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, containing an account of the Committee's activities since its establishment in October 1997. The present report, which was adopted by the Committee on 22 December 1998, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Hans DAHLGREN
Chairperson
Security Council Committee established
pursuant to resolution 1132 (1997)
concerning Sierra Leone

98-40847 (E) 311298

/...

Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. INTRODUCTION

1. By resolution 1132 (1997) of 8 October 1997, the Security Council, gravely concerned at the continued violence following the military coup of 25 May 1997, determining that the situation in Sierra Leone constituted a threat to international peace and security in the region, and deploring the fact that the military junta had not taken steps to allow the restoration of the democratically elected Government and a return to constitutional order, imposed a regime of mandatory sanctions, under Chapter VII of the Charter of the United Nations, against Sierra Leone. By paragraphs 5 and 6 of this resolution, the Council prevented the sale or supply to Sierra Leone of petroleum and petroleum products, arms and related matériel of all types, and imposed restrictions on the travel of members of the military junta of Sierra Leone and adult members of their families.

2. By paragraph 10 of resolution 1132 (1997), the Security Council established a Committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

"(a) To seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraphs 5 and 6 of that resolution;

"(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraphs 5 and 6 of that resolution, and to recommend appropriate measures in response thereto;

"(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraphs 5 and 6 of that resolution, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

"(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 5 and 6 of that resolution;

"(e) To consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products in accordance with paragraph 7 of that resolution;

"(f) To designate expeditiously members of the military junta and adult members of their families whose entry or transit is to be prevented in accordance with paragraph 5 of that resolution;

"(g) To examine the reports submitted pursuant to paragraphs 9 and 13 of that resolution;

"(h) To establish liaison with the Economic Community of West African States (ECOWAS) Committee on the implementation of the measures imposed by paragraphs 5 and 6 of that resolution."

By resolution 1171 (1998) of 5 June 1998, the Council decided that the Committee established by resolution 1132 (1997) shall continue to undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of resolution 1132 (1997) in relation to paragraphs 2 and 5 of resolution 1171 (1998).

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairperson and two Vice-Chairpersons. The Chairperson is elected in his or her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairpersons for the year, all three constituting the bureau of the Committee. At its 1st meeting, on 15 October 1997, the Committee elected Ambassador Hans Dahlgren (Sweden) as Chairperson and the delegations of Costa Rica and Kenya as the two Vice-Chairpersons (SC/6428*). For the calendar year 1998, the same bureau was re-elected (SC/6463).

4. The Committee adopted the present report on 22 December 1998. The purpose of the report is to present a factual summary of the Committee's activities between its establishment in October 1997 and 31 December 1998, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). During this period, the Committee held six meetings and an equal number of informal meetings.

II. BACKGROUND INFORMATION AND SUMMARY OF THE COMMITTEE'S WORK

A. Background information

5. By paragraph 13 of resolution 1132 (1997), all States were requested to report to the Secretary-General within 30 days of the date of adoption of this resolution on the measures they had taken to effectively implement the sanctions imposed against Sierra Leone. In this connection, a note verbale was sent by the Secretary-General on 16 October 1997 to all States, drawing their attention in particular to the provisions of paragraphs 5 and 6 of resolution 1132 (1997) and requesting information on the steps they had taken to give effect to the these provisions. On 10 February and 31 March 1998, the Secretary-General issued a report on measures taken by States in implementation of paragraphs 5 and 6 of resolution 1132 (1997) (S/1998/112; and S/1998/112/Add.1). Subsequently, replies were received from the Philippines and from Bulgaria (S/1998/350 and S/1998/403, respectively).

6. Under paragraph 8 of resolution 1132 (1997), the Security Council, acting under Chapter VIII of the Charter of the United Nations, authorized ECOWAS, in cooperation with the democratically elected Government of Sierra Leone, to ensure strict implementation of the provisions of paragraphs 5 and 6 of that resolution relating to the arms embargo and the supply of petroleum and

petroleum products which would involve inspection of incoming ships where necessary, and in conformity with applicable international standards. By paragraph 9 of that resolution, ECOWAS is required to report to the Committee every 30 days on all activities undertaken in that regard. As of 31 December 1998, ECOWAS has submitted four reports to the Committee on 5 November 1997 (S/1997/895), 15 December 1997, 21 January 1998 and 19 March 1998. The last three reports were circulated as documents of the Committee only. In accordance with paragraph 10 (h) of the mandate entrusted to it, the Committee has maintained close liaison with the ECOWAS Committee.

7. At the 3857th meeting of the Security Council, on 26 February 1998, in connection with the Council's consideration of the item entitled "The situation in Sierra Leone", the President of the Security Council made a statement on behalf of the Council that, among other issues, the Council had expressed its readiness to terminate the measures imposed by paragraphs 5 and 6 of resolution 1132 (1997) as soon as the conditions referred to in paragraph 1 of that resolution had been fulfilled (S/PRST/1998/5).

8. At the 3861st meeting of the Security Council, on 16 March 1998, the Council unanimously adopted resolution 1156 (1998), in which, among other issues, the Council welcomed the return to Sierra Leone of its democratically elected President on 10 March 1998 and terminated with immediate effect the prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products as contained in its resolution 1132 (1997) (SC/6486).

9. At the 3889th meeting of the Security Council, on 5 June 1998, the Council unanimously adopted resolution 1171 (1998), in which, inter alia, it terminated the prohibitions contained in paragraphs 5 and 6 of resolution 1132 (1997), and imposed prohibitions on the sale and supply of arms and related matériel to non-governmental forces in Sierra Leone. The Military Observer Group of the Economic Community of West African States (ECOMOG) and the United Nations in Sierra Leone are exempt from these prohibitions. By that resolution, the Council also prevents the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front. The Council also decided that the Committee established pursuant to resolution 1132 (1997) shall continue to undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of that resolution in relation to paragraphs 2 and 5 of resolution 1171 (1998).

10. As per paragraph 4 of resolution 1171 (1998), the Committee reported to the Council, on 7 August and 15 December 1998 (S/1998/740 and S/1998/1170), on notifications received from States on the export of arms and related matériel to Sierra Leone, as well as on notifications of imports of arms and related matériel made by the Government of Sierra Leone.

B. Summary of activities of the Committee

1. Guidelines of the Committee

11. The guidelines of the Committee for the conduct of its work were initially considered at informal meetings of the Committee and subsequently adopted at its 2nd meeting held on 31 October 1997 (SC/6435). These guidelines were transmitted by the Chairperson to all States and international organizations/ specialized agencies by a note verbale on 3 November 1997.

12. The new consolidated guidelines of the Committee for the conduct of its work were adopted on 18 June 1998, and incorporated the relevant provisions contained in resolution 1171 (1998) adopted by the Council on 5 June 1998 (SC/6532). These guidelines were transmitted by the Chairperson to all States and international organizations/specialized agencies by a note verbale on 18 June 1998.

2. Designation of members of the military junta of Sierra Leone and adult members of their families

13. The Committee is mandated under paragraph 10 (f) of resolution 1132 (1997) to designate members of the military junta of Sierra Leone and adult members of their families whose entry or transit is to be prevented by all States. In this connection, the Committee met informally on several occasions with a view to compiling a list of members of the military junta of Sierra Leone and adult members of their families. On 8 January 1998, the Committee issued the first list of members of the military junta of Sierra Leone, which is to be updated on a regular basis, and was transmitted by the Chairperson to all States and international organizations/specialized agencies by a note verbale on the same day (SC/6464). This list was subsequently issued as a press release on 28 January 1998 (SC/6472).

14. By a note verbale of 5 February 1998, the Permanent Mission of Côte d'Ivoire informed the Committee that the competent Ivorian authorities had taken expulsion measures with respect to Paolo Bangoura (Minister for Foreign Affairs of the Sierra Leonean military junta) and two other persons who were accompanying him, in implementation of the travel restrictions imposed by the Council in resolution 1132 (1997). The Committee took note of this communication.

3. Requests for the supply of petroleum and petroleum products for humanitarian purposes

15. By paragraph 7 of resolution 1132 (1997), the Committee was authorized to approve requests, on a case-by-case basis, for the importation into Sierra Leone of petroleum and petroleum products for verified humanitarian purposes, by the democratically elected Government of Sierra Leone, as well as requests from any other Government or by United Nations agencies or for the needs of ECOMOG. In this regard, the Committee has received and approved requests from the Deputy Permanent Representative of Sierra Leone to the United Nations on behalf of the

President of Sierra Leone, as well as the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations (on behalf of the United Kingdom Department of International Development for its emergency aid programme in Sierra Leone), the International Committee of the Red Cross, the United Nations Humanitarian Coordinator and the United Nations Children's Fund in Sierra Leone.

4. Violations and alleged violations of the sanctions regime

16. With reference to Security Council resolution 1196 (1998) of 16 September 1998, in particular paragraphs 3 and 4, the Committee since its inception has maintained contact with ECOWAS and ECOMOG on implementation of the arms embargo and alleged violations. In fact, during the period covered by this report, the Committee had on various occasions considered a number of alleged violations of the sanctions regime. In some cases, the Chairperson requested additional information regarding the alleged violations from the permanent representatives of the Member States concerned.

17. On 7 May 1998, the Permanent Mission of the United Kingdom to the United Nations informed the Chairperson that its national authorities were investigating an alleged violation of paragraph 6 of Security Council resolution 1132 (1997) by an international commercial entity. In order not to prejudice the outcome of the case, the Mission stated that it was unable to provide further information to the Committee at this time. On 11 May 1998, the Chairperson, on behalf of the members of the Committee, addressed a response to the Permanent Representative of the Permanent Mission of the United Kingdom to the United Nations, thanking him for the information provided so far to the Committee, and expressing the interest of the members in being kept abreast of developments in the case. On 12 June 1998, the Permanent Mission of the United Kingdom to the United Nations informed the Chairperson that its national authorities had concluded the above-mentioned investigation and had decided that no criminal proceedings would be instituted. The Committee took note of the above communications.

18. In response to reports of the alleged presence of Liberian combatants in Sierra Leone in violation of the sanctions regime, the Chargé d'affaires of Liberia addressed a letter dated 4 August 1998 to the Chairperson of the Committee, stating that the alleged activity was not supported or sanctioned by the Liberian Government. Moreover, direct talks had been held by the Presidents of Liberia and Sierra Leone at Abuja, Nigeria, on 2 July 1998, as a means of strengthening the ties between the two countries. As a further confidence-building measure, the President had paid an official visit to Liberia on 20 July 1998. According to the letter, it was hoped that the enhanced cooperation between the two Governments would enable them to take measures which would prevent their respective territories from being used for subversive activities. The Committee took note of this communication.

5. Other activities of the Chairperson

19. During the reporting period, the Chairperson undertook two visits to the region. In December 1997, he visited Guinea for discussions at Conakry, including with the exiled President of Sierra Leone, government authorities, United Nations agencies and non-governmental organizations. The purpose of the trip was to assess the situation regarding the implementation of resolution 1132 (1997), including to facilitate liaison between the Sanctions Committee and ECOWAS, and to review mechanisms for humanitarian exemptions. He also met at Dakar with the Executive Secretary of ECOWAS.

20. At its 6th meeting, on 25 November 1998, the Committee endorsed a proposed visit of the Chairperson to Sierra Leone and neighbouring countries to be undertaken pursuant to paragraph 7 of Security Council resolution 1196 (1998). In paragraph 7 of that resolution, in particular, the Council welcomes the initiative of the Chairmen of the Committees to visit countries in the region, where and when appropriate, in order to enhance the full and effective implementation of the measures specified in their respective mandates with a view to urging the parties to comply with relevant Council resolutions.

21. In December 1998, the Chairperson visited Sierra Leone and Liberia to assess the implementation of resolution 1171 (1998) and to enhance respect for the arms embargo and travel restrictions in force against the non-governmental forces of Sierra Leone. Extensive discussions were held with the leaders of the two countries and United Nations personnel and agencies, as well as with ECOMOG commanders and non-governmental organizations. Several press meetings were held in conjunction with the visit. On 18 December 1998, the Chairperson briefed the Security Council on his visit to the region.

III. OBSERVATIONS

22. Despite the efforts of the international community to isolate the non-governmental forces in Sierra Leone through the sanctions imposed, first under Security Council resolution 1132 (1997) and subsequently under Security Council resolution 1171 (1998), these forces continue to launch armed attacks, especially in rural areas. Although most of their supplies of arms and ammunition seems to derive from looting within Sierra Leone, arms and ammunition are obviously crossing the Sierra Leone border with neighbouring countries, including Liberia, in violation of resolution 1171 (1998).

23. It should be recognized that geographical conditions along the border between Sierra Leone and its neighbours are such that full governmental control or monitoring of the border are virtually impossible within the resources available in the region. At the same time, all States are obliged to ensure that their territories are not used for the purpose of violating mandatory sanctions imposed by the Security Council.

24. The Sanctions Committee will continue, in accordance with its mandate and adopted guidelines, to vigorously follow up on alleged violations of resolution 1171 (1998). In addition, it will continue to explore further measures which may improve implementation of the arms embargo and travel restrictions, in

particular by focusing on assistance to neighbouring countries, with a view to enhancing the monitoring of border crossings and reinforcement of the prohibitions set out in the above Security Council resolution.

25. Such measures could include:

(a) Support for national or joint monitoring of the border between Sierra Leone and Liberia;

(b) Identification of focal points within ECOMOG/ECOWAS, and closer liaison between the Committee and this regional organization;

(c) Continued frequent reporting from the United Nations Observer Mission in Sierra Leone to the Sanctions Committee;

(d) Renewed distribution, including through the United Nations presence in the region, of an updated and if possible elaborated list of individuals who are banned from travelling under the terms of resolution 1171 (1998).